

RECEIVED  
CENTRAL FAX CENTER

JAN 22 2007

-6-

**REMARKS**

This paper is responsive to the Office Action of October 20, 2006. Reconsideration and allowance of claims 3-6, 8, and 14-26 are requested.

**The Office Action**

Claims 2, 3, and 13-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yang (US 6,133,847) in view of Humpleman (US 6,546,419).

Claims 4 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yang in view of Humpleman, further in view of Jackson (US 5,963,263).

Claims 5, 6, and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yang in view of Humpleman, further in view of Matani (US 6,466,233).

**The Present Application**

By way of brief summary, the present application describes a technique for loading control codes into a remote control in which the control codes are downloaded over the internet and not from the appliance to be controlled.

**The References of Record**

Yang is directed to the acknowledged prior art in which a remote control downloads the control information from the appliance to be controlled itself. The embodiment of Figure 5 of Yang shows how the universal remote could be used in conjunction with a "smart home".

It appears that in a "smart home", all or a plurality of a person's appliances (such as a TV 510, VCR 520, microwave 530, and stereo 540) are interconnected via a home network (such as LAN 500). In the embodiment of Figure 5, the universal remote 100 communicates by RF, infrared, or the like 150 with a network transmitter/receiver 505. In this manner, when Yang wants to receive the control code for a new appliance, the request for the control code is sent via the RF or IR link 150 to the transmitter/receiver 505 and travels the rest of the way to the selected appliance via the LAN 500. Similarly, the control code from the requested

-7-

appliance travels via the LAN, the transmitter 505, and the link 150 back to the remote. Thus, in the "smart home" embodiment of Yang, the control code for a given appliance still comes from the appliance itself. It just goes by way of both the LAN 500 and the data link 150.

The Examiner also refers to column 3, lines 40-46 which relate to the embodiment of Figure 1. This section indicates that instead of communicating with the appliance by infrared or RF, the remote could be connected with the new appliance by a cable and the programming or command code could be downloaded into the remote through the cable rather than the RF or IR link 150. In the embodiment of Figure 1 of Yang, it is relatively clear how this auxiliary cable would be utilized. However, Yang does not explain how one can or why one should modify the "smart home" embodiment of Figure 5 to incorporate this concept. *The Examiner fails to explain how he is modifying this concept from the embodiment of Figure 5 of Yang to incorporate this concept from Figure 1.* It is submitted that if one were to try to incorporate this concept from the embodiment of Figure 1 into the embodiment of Figure 5 of Yang, one would be motivated to use a cable to plug the remote 100 directly into the port of the corresponding appliance to download the code. Once the code is downloaded, of course, the cable can be removed and the remote used in its normal manner.

Humpleman was cited to disclose a mark-up language format. Although the applicants assert that the mark-up language of Humpleman would be such an unusual choice for use in the system of Yang that it would not be obvious to one of ordinary skill in the art, the applicants reserve the arguments on combinability for appeal and/or a divisional application focusing on this concept. Without conceding the correctness of the Examiner's combination, this issue will not form a part of the present paper's request for reconsideration.

**The Claims Distinguish Patentably  
Over the References of Record**

First, claim 3 calls for a server on the internet, which server includes a database with the control codes. The LAN 500 of Yang is not the internet. Rather, it is a home network which connects the appliances within a home. Moreover, Yang neither discloses nor makes any suggestion that the home network should include a

-8-

server, much less a server that includes a database of control codes. The Examiner does not assert and, indeed, Humpleman does not cure this first shortcoming of Yang.

Second, claim 3 calls for the server to identify the corresponding code for a specified apparatus and to provide the identified command code over the internet to a home network. The home network 500 of Yang is not the internet. Moreover, claim 3 recites a home network in addition to the internet. Yang makes no suggestion of connecting the LAN 500 to the internet, much less that a server with a database of control codes should be accessed by the LAN 500 over the internet. Humpleman was not cited to and indeed does not cure this shortcoming of Yang.

Third, claim 3 requires the apparatus to be not pre-configured to deliver or cause delivery of its respective control code to the control device. By contrast, in the embodiment of Figure 5 of Yang, the only source of the control or programming code for any appliance is each appliance itself. It is clear in column 7, lines 48-65 that each apparatus, itself, supplies its command code. The request for the command code and the command code supplied by the apparatus may travel through the LAN 500. But, each apparatus 510-540 of Yang is and must be pre-configured to deliver or cause delivery of its respective control code in order for the Yang system to be functional. Yang has no other source of the command codes. The Examiner has not asserted that Humpleman cures this defect of Yang and, indeed, Humpleman does not do so.

Fourth, claim 3 calls for the home network to convert the control code into an associated command. Yang has a LAN 500, but the Examiner must decide whether he wants to call the LAN 500 the "home network" or the "internet". Clearly, it is not the internet. Further, Yang provides no suggestion that the LAN 500 converts the control code into an associated command. Rather, it is submitted that the LAN 500 of Yang is merely an extension of the data link 150 which enables the data link 150 to branch and communicate with any one of a plurality of appliances. Because the remote 100 makes this conversion, it is submitted it, with data line 150 and LAN 500 must be construed as being in the home network to address this claim requirement. Humpleman was not cited as showing this step and, indeed, does not show this step. Humpleman was cited to show data in a mark-up language format.

-9-

Because claim 3 distinguishes over the references for at least the reasons set forth above, it is not necessary to address the propriety of combining Humpleman and Yang in this argument.

For the reasons set forth above, it is submitted that **claim 3 and claims 4-6 dependent therefrom** distinguish patentably and unobviously over the references of record.

**Claim 14** calls for two networks, the bi-directional data network and another network which is independent of the bi-directional network. In the embodiment of Figure 5 of Yang, the LAN 500 is an extension of the data link 500. Both are required to make a complete connection between the remote and an appliance or apparatus.

Further, claim 14 calls for the apparatus to be not pre-configured to deliver or cause delivery of its respective control code to the remote control device. In Yang, there is only one source of each control codes— each apparatus itself. In the embodiment of Figure 5, no source is disclosed or suggested for the control code for the TV 510 other than the TV, for the VCR 520 other than the VCR, for the microwave 530 other than the microwave, or the stereo 540 other than the stereo 540 itself. Thus, Yang provides no suggestion regarding how or from where one might get the control code for a newly added apparatus, other than from the apparatus itself. It is submitted that if an apparatus which is not preconfigured to deliver its respective control code via the LAN 500, then Yang would be inoperative for its intended purpose. The remote 100 would have no source from which to get the control code for the newly added apparatus. Humpleman was cited to show data in a mark-up language and does not cure these and other shortcomings of claim 14.

Accordingly, it is submitted that **claim 14 and claim 8 dependent therefrom** distinguish patentably and unobviously over the references of record.

**Claim 15** calls for a database which is in communication over a bi-directional data network with a plurality of home network systems. Note that the bi-directional data network, such as the internet, is connected with a plurality of home network systems. In the embodiment of Figure 5 of Yang, there is a home network system made up of the remote 100, the data line 150 and the LAN 500. There is no bi-directional data network which is in communication with a plurality of such home

-10-

network systems. In Yang, there may be a plurality of homes, each with such a home network system, but Yang provides no suggestion of an additional bi-directional data network in communication with all of them.

Second, claim 15 calls for the remote control device to be part of the home network system. Because the LAN 500 and the remote 100 of the embodiment of Figure 5 of Yang were all being construed as a single home network system, the data link 150 must also be construed as part of said network. Thus, Yang discloses no bi-directional data network connected with a *plurality* of such home network systems as set forth in claim 15.

Further, claim 15 calls for the control codes to be deliverable to the remote control devices independent of the controlled apparatuses. By contrast, the only source of control codes disclosed or fairly suggested in Yang is each appliance itself. Thus, the control codes which Yang delivers to the remote 100 are *dependent on the controlled apparatuses, not independent as claim 15 requires*. Humpleman does not cure these shortcomings of Yang.

Accordingly, it is submitted that **claim 15** distinguishes patentably and unobviously over the references of record.

Regarding **claim 16**, the applicant reiterates the reasons set forth on page 7 of the preceding Amendment.

**Claim 17** calls for each of a plurality of users to specify an apparatus to a server over a bi-directional network. Yang discloses no server. Moreover, Yang neither discloses nor suggests a server which is accessible to a plurality of users over a bi-directional network. Note that the LAN 500 of Yang is only accessible to the user in that home via the transceiver 505 the LAN 500 is not disclosed as having a server, much less a server available to a plurality of users.

Claim 17 further calls for the server to identify a code for the user-specified apparatus. By contrast, in Yang, the control code is specified only by the specified apparatus itself.

Claim 17 also calls for a home network in addition to the bi-directional data network and for the control code to be not directly usable by the specified apparatus until the control code is converted by the home network into a command. There is no suggestion in Yang of any decoding in the LAN 500. Rather, the

-11-

decoding occurs in the remote 100. If the remote 100, data link 150, and LAN 500 are construed as the home network, then there is no bi-directional network as required by claim 17.

Finally, claim 17 calls for the command to be sent to the specified apparatus independent of the bi-directional network. In the embodiment of Figure 5, the commands travel to any given appliance through both a data link 150 and the LAN 500. Yang's suggestion in column 3, lines 40-46 that the control code can be downloaded into the remote directly through a cable does not suggest a way for the control device to control an appliance independent of the bi-directional network. Humpleman does not cure these shortcomings of Yang.

Accordingly, it is submitted that **claim 17** distinguishes patentably and unobviously over the references of record.

**Claim 18** calls for the control codes to be provided from a database over a bi-directional network to the home network. Figure 5 of Yang discloses only a home network. If the Examiner construes the LAN 500 of Yang as being the home network and data link 150 as being the bi-directional data network, then the control codes *are not provided over the bi-directional network to the home network*. Rather, the control codes are provided from the individual apparatus over the LAN and data link to the remote 100.

Further, claim 18 calls for the equipment to be not pre-configured to deliver or cause delivery of its respective control code to the control device. By contrast, the only source of control codes in Yang is equipment 510-540. Unless the equipment 510-540 of Yang is configured to deliver the control codes, Yang would be inoperative for its intended purpose. Yang would have no source of control codes for the equipment. Neither Humpleman nor Jackson were cited to address these deficiencies, and indeed, do not cure these deficiencies in Yang.

Accordingly, it is submitted that **claim 18** distinguishes patentably and unobviously over the references of record.

-12-

RECEIVED  
CENTRAL FAX CENTER

JAN 22 2007

The Newly Added Claims

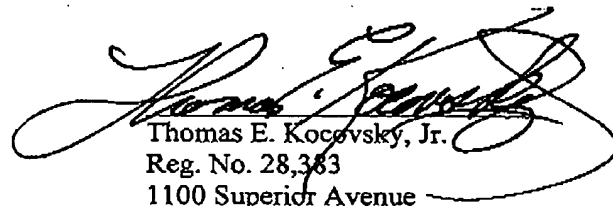
New dependent claims have been added to replace the "mark-up" limitation removed from selected independent claims. Other new dependent claims have been added to focus on the internet embodiment.

CONCLUSION

For the reasons set forth above, it is submitted that claims 3-6, 8 and 14-26 distinguish patentably over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
(216) 861-5582

Mail All Correspondence to:  
Yan Glickberg, Reg. No. 51,742  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
(914) 333-9618 (tel)  
(914) 332-0615 (fax)